

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR (NORTH) SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 4.8 FEET FOR AN EXISTING FENCE IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Earnest McDonald **CONTACT:** Francisco Torregrosa **EXT.** 7387

Agenda Date 10/27/03 **Regular** ☒ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR (NORTH) SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 4.8 FEET FOR AN EXISTING FENCE IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (AUDREY FITZGERALD, APPLICANT); OR
2. **DENY** THE REQUEST FOR (NORTH) SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 4.8 FEET FOR AN EXISTING FENCE IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (AUDREY FITZGERALD, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(Commission District #1, Grant Maloy)

(Francisco Torregrosa, Planner)

GENERAL INFORMATION	AUDREY FITZGERALD 1893 EASTBROOK BLVD WINTER PARK, FL 32792	R-1A (SINGLE-FAMILY DWELLING DISTRICT)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANT REQUESTS A VARIANCE FOR AN EXISTING PRIVACY FENCE, WHICH WAS CONSTRUCTED WITHOUT THE REQUISITE PERMITS AND ENCROACHES 20.2 FEET INTO THE MINIMUM SIDE STREET SETBACK, ACCORDING TO THE SUBMITTED SITE PLAN. • ON SEPTEMBER 22, 2003 THE BOARD OF ADJUSTMENT GRANTED THE FOLLOWING VARIANCES FOR THE SUBJECT PROPERTY: <ul style="list-style-type: none"> ◦ (NORTH) SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 11.3 FEET FOR AN EXISTING ACCESSORY SHED; ◦ (WEST) SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 3.4 FEET FOR AN EXISTING ACCESSORY SHED; AND ◦ (NORTH) SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 16 FEET FOR AN EXISTING HOME. • THE BOARD OF ADJUSTMENT ALSO CONSIDERED A 	

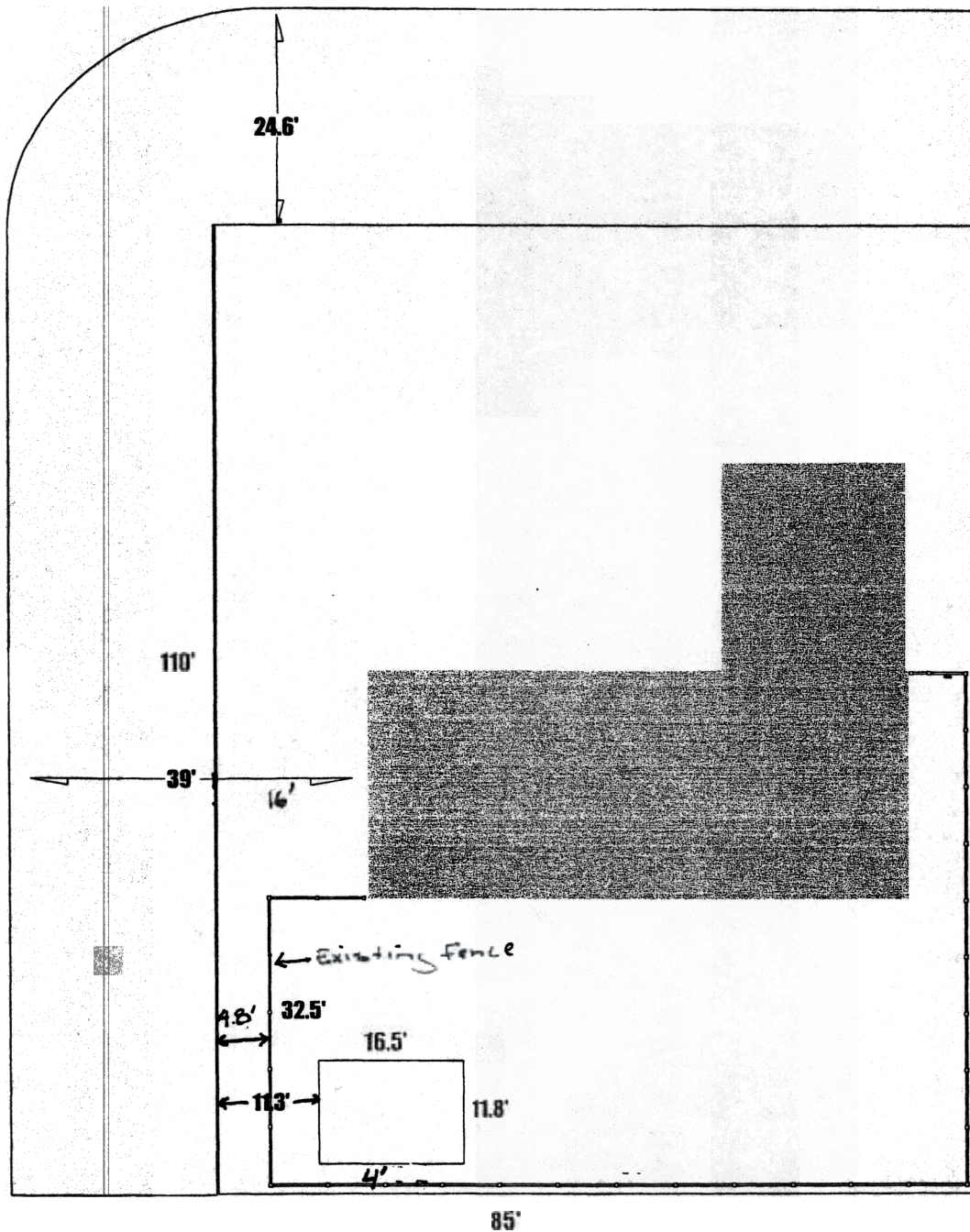
	<p>REQUEST FOR (NORTH) SIDE STREET VARIANCE FROM 25 FEET TO 6 FEET FOR THE EXISTING FENCE BUT CONTINUED THE ITEM TO ALLOW FOR THE READVERTISEMENT OF THE APPLICANT'S REQUEST FOR FURTHER SETBACK REDUCTION FROM 6 FEET TO 4.8 FEET.</p>
STAFF FINDINGS	<ul style="list-style-type: none">• BASED ON THE GRANT OF THE AFOREMENTIONED VARIANCES BY THE BOARD OF ADJUSTMENT, THE APPLICANT HAS SATISFIED THE CRITERIA FOR THE GRANT OF THE REQUESTED VARIANCE FOR THE EXISTING FENCE.• AS PREVIOUSLY STATED, THE BOARD OF ADJUSTMENT APPROVED VARIANCES FROM THE MINIMUM SETBACKS FOR THE EXISTING HOME AND ACCESSORY BUILDINGS, BASED ON DEMONSTRATED HARDSHIPS BY THE APPLICANT.• STAFF BELIEVES THE SPECIAL CIRCUMSTANCES THAT WERE RECOGNIZED BY THE BOARD AS APPLICABLE TO THE HOME AND ACCESSORY SHED ALSO APPLY TO THE EXISTING FENCE.
STAFF RECOMMENDATION	<p>BASED ON THE STATED FINDINGS, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT APPROVE THE REQUESTED VARIANCE FOR THE EXISTING FENCE, SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE EXISTING FENCE DEPICTED ON THE ATTACHED SITE PLAN; AND• ANY ADDITION CONDITIONS DEEMED APPROPRIATE BY THE BOARD, FOLLOWING INFORMATION PRESENTED AT THE PUBLIC HEARING.

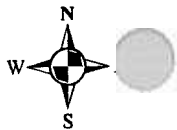
1893 Eastbrook Blvd.



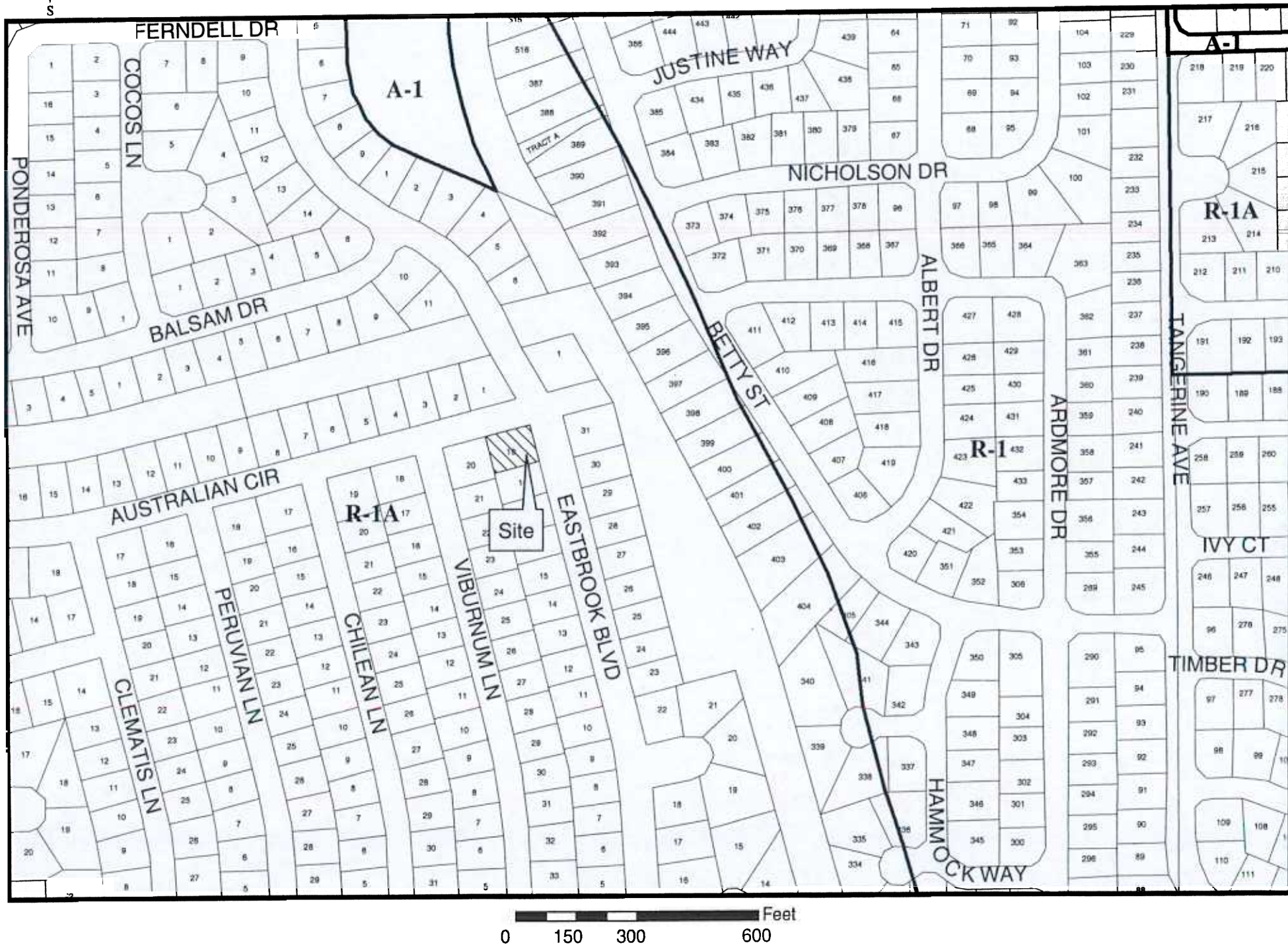
Eastbrook Blvd.

Australian Circle





Audrey Fitzgerald
1893 Eastbrook Blvd.



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On October 27, 2003, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 19 BLK 11 EASTBROOK SUBD UNIT NO 5 PB 12 PG 80

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: AUDREY FITZGERALD
1893 EASTBROOK BLVD
WINTER PARK FL 32792

Project Name: 1893 EASTBROOK BLVD

Requested Development Approval:

REQUEST FOR (NORTH) SIDE STREET SETBACK VARIANCE FROM 25 FEET to 4.8 FEET FOR A PROPOSED FENCE IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT).

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: FRANCISCO TORREGROSA
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- a. The variance granted will apply only to the fence as shown on the attached site plan.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above

By: _____
Matthew West
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2003.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: